

EXTENSIONS OF REMARKS

RECOGNIZING CHRISTOPHER
STROUP FOR ACHIEVING THE
RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Christopher Stroup, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 247, and in earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many scout activities. Over the twelve years Christopher has been involved with scouting, he has earned 33 merit badges and has held numerous leadership positions, serving as patrol leader and den chief. Christopher is also a member in the Order of the Arrow and the Tribe of Mic-O-Say.

For his Eagle Scout project, Christopher planned the design, obtained the needed materials, and constructed storage cabinets for the science department of Oak Park High School in the North Kansas City School District.

Mr. Speaker, I proudly ask you to join me in commending Christopher Stroup for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONFERENCE REPORT ON H.R. 1,
MEDICARE PRESCRIPTION DRUG,
IMPROVEMENT, AND MOD-
ERNIZATION ACT OF 2003

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 2003

Mr. MOORE. Mr. Speaker, I rise today to oppose this legislation. This is a very difficult vote for me, as I have worked for years to add a prescription drug benefit to Medicare. I have had little more than 24 hours to examine this 676-page conference report, but what I know about H.R. 1 is this: seniors will pay dearly for a weak benefit that undermines their traditional Medicare benefits.

The benefit provided to seniors under H.R. 1 is very weak and does not even take effect until 2006. What insurance plan on earth, except one designed by Congress, would create a "donut hole" that is designed specifically to stop coverage for seniors when they need it? I believe that American seniors will rebel when they find out what Congress is offering them, especially if they compare it to the benefit that Members of Congress themselves receive. This conference report asks seniors to pay a monthly premium of \$35, which is in addition to their existing Medicare premium (\$66.60 per

month in 2004). Additionally, seniors will pay the first \$250 of their drug costs each year, after which Medicare would then start paying 75% of drug costs. But as seniors' drug costs increase, the benefit disappears. When total annual drug costs reach \$2,250, government support would stop. Seniors would be responsible for the next \$2,850 in drug costs. Only when their drug bill for the year reached \$5,100 would Medicare begin paying 95% of all further costs.

This, Mr. Speaker, is the infamous "donut hole" into which thousands of unexpected seniors will fall each year. In their effort to create legislation that seems to cover every senior, but actually does not, this legislation eliminates coverage when seniors need help paying for drugs. Even worse, this gap increases to over \$5,000 by the year 2013.

Seniors will be angry—justifiably—when they begin to understand this donut hole and the deceptive nature of the drug benefit. They might ask why it is there. Some will answer that it was necessary in order to fit the benefit inside the \$400 billion budget. This is true, but only because this legislation does not take any action to address the high cost of prescription drugs.

A more generous benefit could have been created for seniors had the Republican leadership chosen to take some action to increase the affordability of prescription drugs. Under the conference report, the Secretary of Health and Human Services is prohibited by law from leveraging the buying power of 40 million Medicare beneficiaries to get drugs at lower prices for Medicare, just as the Veterans Administration does for 25.8 million American veterans, including 252,791 veterans in Kansas. Secretary of HHS Tommy Thompson told me two days before the vote that he would gladly exercise authority to negotiate lower prices if he had it. But the bill specifically denied him that authority. Many people covered by insurance are able to get a better price due to the fact that they can band together and demand discounts from manufacturers.

Additionally, this conference report fails to allow seniors to reimport medicine from industrialized countries where drugs are significantly cheaper. This despite the fact that a majority of the House approved this concept in passing H.R. 2427, the Pharmaceutical Market Access Act, by a bipartisan vote of 243–186, on July 25, 2003. H.R. 1 contains a provision allowing Canada-only reimportation, but added a "poison pill" requiring the Secretary of HHS to certify reimportation—something that Secretary Thompson has repeatedly said he will not do. Americans should not have to travel to Canada to obtain reasonably priced drugs that in many cases were developed in part with U.S. tax dollars by U.S. companies and manufactured in U.S.-certified facilities. This policy would save American seniors significantly over the next ten years, and remove the unfair situation in which American seniors often pay double or even more for the same drugs than seniors in other industrialized nations.

The legislation includes several other objectionable provisions. The provisions allowing for

premium support will undermine the Medicare program. Although promoted as a "demonstration," up to 7 million beneficiaries could be forced to participate starting in 2010. Under premium support, private plans will be allowed to offer health and drug benefits to attract low-cost young and healthy seniors from Medicare, leaving older and sicker seniors behind. The seniors left in Medicare will see their costs rise, forcing more seniors out of the program. This is called by some the "Medicare death spiral," and it is proof that the conference report puts the profits of pharmaceutical and insurance companies ahead of the needs of our seniors and the disabled.

The H.R. 1 conference report contains drastic cuts to our nation's cancer care system. This legislation will deprive America's cancer care system of \$1 billion a year. A cut like this will be devastating to cancer care. If this happens, many cancer centers will close, others will have to admit fewer patients, and still others will lay off oncology nurses and other critical support staff. Legislation intended to increase access to prescription drug coverage will do the opposite for cancer patients, reducing their ability to get needed cancer care.

Mr. Speaker, today I am forced to vote against this flawed bill, despite the fact that this legislation includes important payment increases for Medicare providers. I regret that these needed payments were included in this legislation in order to build support for this inadequate benefit. I have long supported adequate funding for Medicare providers in Kansas, and I have supported legislation in this Congress and previous Congresses that would erase the cuts approved in the 1997 Balanced Budget Act. Additionally, I signed as a cosponsor of H.R. 3549, introduced by Rep. Baron Hill, legislation that would provide payment increases for doctors, hospitals, home health providers and others who need and deserve adequate Medicare payments. These provisions were included in the larger H.R. 1 and should be enacted now, separately.

If this legislation, despite its great flaws and incomplete benefit, is signed into law, I will continue to fight for needed changes. And I will do all that I can to ensure that the Medicare prescription drug benefit represents what seniors need and expect.

INTRODUCTION OF H. CON. RES. 330

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Mr. LANTOS. Mr. Speaker, yesterday my good friend from Connecticut, Rep. CHRISTOPHER SHAYS, and I introduced H. Con. Res. 330, The International Human Rights Equality Act. I would like to specially thank my good friend from Massachusetts, Rep. BARNEY FRANK, and my good friend from Ohio, Rep. DENNIS KUCINICH, for their support at our press conference yesterday on the occasion of the introduction.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Our landmark legislation shines a bright light on one of the most underreported and unrecognized areas of egregious human rights violations, the international persecution of individuals based on their real or perceived sexual or gender identity.

Supported by 44 of our colleagues, we believe very strongly that we must send a clear message that gay, lesbian, bisexual and transgendered people must be treated with the same dignity and respect as every human being, and not with hatred and violence that they face in all too many places in the world.

Ongoing persecutions against the LGBT community include arbitrary arrests, rape, torture, imprisonment, extortion, and even extra judicial executions.

The scope of these human rights violations is staggering, and for the victims, there are few avenues for relief. Some countries create an atmosphere of impunity for rapists and murderers of gays and lesbians by failing to prosecute or even to investigate violence targeted at these individuals because of their sexual orientation. Not only do some countries refuse to sanction these abuses, but often, agents of the State perpetrate them. And believe it or not, at the outset of the 21st Century there are still countries that advocate the death penalty for people who are gay, lesbian, bisexual or transgendered.

We simply cannot ignore the number and frequency of such grievous crimes any longer. As our legislation makes clear, the international community has long established a legal framework for the protection of international human rights, based on the individual human being. The world community voluntarily agreed upon these legal instruments, and we have to demand vigorously that the parties to those treaties fulfill their obligations. We must demand that all countries obey international norms, particularly those countries that have become a party to international human rights treaties. None of these instruments, which are the foundation for a peaceful and civilized world community, exempt anybody from the protection of their human rights because of gender, race, origin or age, and most certainly there are no exceptions from full protection on the basis of sexual orientation or gender identity.

Our legislation urges the Administration to develop a new strategy in our foreign policy to directly combat these outrageous violations, and tear away the veil of silence or ignorance on those tragic developments all over the world, which have a devastating impact on the lives of each individual affected.

Our Resolution details just a few examples of violence against gay, lesbian, bisexual and transgendered individuals in countries as wide ranging as Mexico, Egypt, Saudi Arabia, Uganda, Uzbekistan, Nepal, among others.

My colleagues and I are committed to protecting human rights wherever they come under attack. I will work hard to create a broad bipartisan coalition to support this legislation in this Congress and beyond.

Our legislation has the wide support of the human rights community, and I would particularly like to thank Amnesty International, the Human Rights Campaign, Human Rights Watch and the International Gay and Lesbian Human Rights Commission, as well as National Latina/o Lesbian, Gay, Bisexual & Transgender Organization (LLEGO), for their input and support.

TRIBUTE TO MAYOR JAMES RAINWATER

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Mr. KINGSTON. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay tribute to the life of James Rainwater, mayor of Valdosta, GA, who passed away recently at the age of 62. James is survived by his two daughters, a son-in-law and two grandchildren: Jamie Rainwater, Michael and Robin Woodruff, Blake and Jarred Woodruff.

Jimmy Rainwater began his political career as a councilman in 1986 before he took the Mayor's seat two years later. With nearly 16 years in office, Jimmy Rainwater served as Valdosta's Mayor longer than anyone in the city's past. When he entered the office of Mayor, he addressed and solved many problems that were plaguing the city, from poor quality drinking water to slow growth of industry to the low morale of the city employees and departments. From 1988 to 2003, Mayor Rainwater saw Valdosta grow to become home of Valdosta State University and achieve metropolitan status. He helped save Moody Air Force Base from closing and saw the accreditation of the police and fire departments.

Jimmy Rainwater wasn't just a mayor in the traditional sense of an official who presides over City Council and attends to the business of the city. He was devoted to these tasks. He rarely missed a council meeting. He often worked the phones and personally visited people to get things done. But there was more to his tenure as mayor than just attending to the business of the city.

Jimmy Rainwater seemed to attend almost everything. Wearing a pair of his many cowboy boots, he was a familiar figure at business grand openings and ground breakings, in the newspaper and on local television, in neighborhoods and community events, at banquets, dinners and suppers, charity balls and organizational fundraisers. He presented awards and proclamations, attended funerals and retirements, church services and military changes of command.

Mr. Speaker, Jimmy Rainwater was a fine American leader who will be sorely missed. It is my honor to rise and pay tribute to Jimmy Rainwater.

CONTRIBUTIONS OF JACK AND ELEANOR BUELL

HON. C. L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Mr. OTTER. Mr. Speaker, I rise today to honor the contributions of Jack and Eleanor Buell of St. Maries, Idaho, to the 2003 Capitol Holiday Tree. For the first time in history, Idaho has the distinct honor of supplying the nation's Christmas tree. The magnificent Engelmann spruce was harvested from the Boise National Forest, visited 53 Idaho communities, and now is on its way to the Capitol. This historic journey was made possible by the tremendous generosity of Jack and Elea-

nor Buell. Owners of Buell Trucking, they donated the truck, custom-made trailer and driver for the Capitol Holiday Tree and the 70 companion trees that will be displayed throughout Washington, DC. This has been a wonderful gesture of volunteerism by Jack and Eleanor, and it is indicative of the way they live. Jack is a long-time Commissioner in Benewah County, where he and Eleanor have given to their community and the State of Idaho time and again. The citizens of St. Maries, Benewah County, and the State of Idaho have for years owed a debt of gratitude to Jack and Eleanor Buell. Mr. Speaker, for their efforts to make the Capitol Holiday Tree possible, the nation owes them our thanks as well.

INCREASING THE WAIVER RE- QUIREMENT FOR CERTAIN LOCAL MATCHING REQUIRE- MENTS TO AMERICAN SAMOA, GUAM, THE VIRGIN ISLANDS, OR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

SPEECH OF

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 2003

Ms. BORDALLO. Mr. Speaker, I rise today to express my support for this legislation. As has been stated, this legislation would provide needed relief to Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands by increasing the matching waiver requirement for federal grants. The House's passage of this bill today would be timely given the fact that our territorial governments continue to face declining revenues.

The difficult economic conditions in the territories make it particularly challenging for us to access federal grants, given the matching requirements and the current inflexibility in waiving these requirements.

I am pleased this legislation not only increases the waiver requirement from the current threshold of two hundred thousand dollars to five hundred thousand dollars, but it also clarifies that this waiver requirement applies across the board—to all federal agencies and departments—and not just for grants administered by the Department of the Interior.

While this legislation seeks to correct this inconsistency in the application of law, I remain concerned about another inconsistency. I am aware of conflicting and varying application of the waiver requirement among federal agencies and departments with respect to the grant recipient. The non-profit organizations in the territories fulfill a significant role in our communities. Nonprofits help meet the needs of the homeless, the disadvantaged, and those whose lives are buffeted by tough economic times. Their work is often supported by federal grants. Without such federal assistance, the non-profit organizations in the territories would struggle to meet their missions and most would not be able to maintain the current level of assistance to our communities.

On Guam alone, we have a sizable non-profit community. Organizations like Guma Mami, Erica's House, Catholic Social Services, and Sanctuary all work for example to help the

needy, shelter and clothe the homeless, and provide services to at-risk youth. Others like the Manenngon Foundation and Pa'a Taotao Tano work to preserve our Chamorro culture. Given their limited resources and the matching fund requirements, their access to federal funding is critical to their success.

Therefore, I remain hopeful that federal agencies will apply the waiver not just to grants awarded to the territorial governments, but also to non-profit organizations and other eligible nongovernmental entities in the territories.

Furthermore, while I recognize that current law, for good reason, allows any federal agency or department to consolidate grants to the territories, I would hope that this authority would not be used to reduce the number of grants that would otherwise be subject to the matching waiver requirement. Federal agencies should not consolidate grants to escape the full application of the matching waiver requirement, or to reduce the waiver's impact on what would otherwise be separate grant awards. This is the intent of the authors of this bill. This has specific application to Guam, where disaster public assistance grants to separate Government of Guam agencies should each receive the waiver of the local matching funds that are required for their individual disaster assistance, rather than one waiver for the whole Government of Guam for all public assistance grants.

This legislation will also require the Secretary of the Interior to study and report on its implementation. I trust that, if enacted, the Secretary will pay particular attention to these concerns and that the report will address the application of the waiver with respect to non-profit organizations and the consolidation authority.

This legislation is important for the economic development of the territories because it will make access to federal grants easier for cash-strapped governments.

I want to recognize the hard work and valuable contributions that my predecessor, Robert Underwood, made on this issue. Mr. Underwood worked alongside our colleague from American Samoa, Mr. FALEOMAVEGA, in crafting this legislation in the 107th Congress. Although the bill was reported out of the Committee on Resources last year, it unfortunately did not make it to the floor.

I am grateful we have reached that point in the process today and I look forward to timely consideration in the other body. I want to commend my colleague from American Samoa, ENI FALEOMAVEGA, for his persistence in promoting the interests of the territories and in particular for his introduction of this legislation. I also want to recognize the contributions of Congresswoman DONNA CHRISTENSEN from the U.S. Virgin Islands on this bill. This has been a unified effort by the Delegates from the insular areas. Finally, I want to thank Chairman RICHARD POMBO and Ranking Member NICK RAHALL for their help in moving this legislation. The territories have benefited from their leadership in the Resources Committee.

INTEREST GROUPS RALLY TO SUPPORT H. CON. RES. 330

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Mr. LANTOS. Mr. Speaker, my friend and distinguished colleague from Connecticut, Rep. CHRISTOPHER SHAYS, and I recently introduced H. Con. Res. 330. On the occasion of the introduction of our bill, we were joined by several important representatives from the NGO community, who eloquently expressed the wide support our legislation has already received. I would like to include their outstanding statements at this point in the CONGRESSIONAL RECORD, with my deepest gratitude for their support and advice.

STATEMENT BY MICHAEL HEFLIN, DIRECTOR, AMNESTY INTERNATIONAL USA OUTFRONT PROGRAM

On behalf of Amnesty International I would like to commend Congressmen Tom Lantos and Christopher Shays for their strong leadership on this issue as well as the more than forty other members of Congress who have agreed to be original co-sponsors of this historic resolution. Amnesty International and other human rights organizations have documented the widespread abuse of the fundamental human rights of lesbian, gay, bisexual and transgender people throughout the world. These abuses include the imprisonment, torture and in some cases killing of lesbian, gay, bisexual and transgender people by their own governments. Some 70 countries still criminalize homosexuality. Sentences for conviction under these statutes vary, but often include lengthy jail sentences and in some cases include torture or even imposition of the death penalty as a legally sanctioned punishment. As we sit here this morning, there are many who sit in jail cells and face the prospect of torture simply because of their sexual orientation or gender identity. In Egypt, for example, over the past two years, Amnesty International and other human rights groups have documented the arrest of over 100 men simply on the basis of their alleged sexual orientation. Ironically, Egypt is one of the few countries in the Middle East that does not explicitly outlaw homosexuality but has charged the men under a vaguely worded law prohibiting "habitual debauchery." Many of these men report having been brutally tortured while imprisoned. We also believe this number is only the tip of the iceberg and there are probably many cases that we have not yet documented. Of those arrested, some have now been freed but the arrests continue. At this moment, Amnesty considers at least 15 men in Egyptian prisons to be "prisoners of conscience" in jail solely on the basis of their alleged sexual orientation. Egypt is not alone and similar arrests have also been made in many other countries in recent years including Malaysia, Uganda, Uzbekistan, and Saudi Arabia, just to name a few. Even when not criminalized, discrimination and violence against lesbian, gay, bisexual, and transgender people by both governmental authorities and civilians remains widespread throughout much of the world. Too often states fail to hold the perpetrators of such violence accountable, creating a climate of impunity—in violation of international human rights standards that require states to protect the human rights of all of their citizens. In recent years, Amnesty International has documented patterns of violence including murder and physical assault, particularly targeted against

transgender people and gay men in a number of countries, including for example, Honduras, Guatemala, and Ecuador. In many of these cases the police were complicit or did nothing to investigate these crimes or hold those responsible accountable. Lesbians often face a double layer of discrimination and abuse resulting from both their gender and their sexual orientation. These violations are often particularly difficult to document because they most often occur in the community and the family, but include forced marriage and sometimes even rape employed as a method to cure lesbians of their deviant sexuality. The United States has not been a leader either at home or abroad in advancing lesbian, gay, bisexual and transgender human rights. While this resolution recognizes the need to continue to make progress in this country toward the full recognition of the basic human rights of lesbian, gay, bisexual and transgender people, it also spells out the U.S. government's obligation to combat human rights violations against lesbian, gay, bisexual and transgender people around the world. Despite the U.S. government's overall lack of leadership on these issues, some progress is being made. Over the last few years the State Department has begun to document some of these abuses in its annual reports. We hope that this resolution will encourage the State Department to continue to make improvements in its documentation of lesbian, gay, bisexual, and transgender rights abuses around the world. We also believe much more can and must be done by the U.S. government if it is to play a leadership role in protecting global lesbian, gay, bisexual and transgender human rights. Through this resolution, we are calling for the U.S. government to develop a comprehensive strategy for combating these abuses. This strategy must include the U.S. government's taking a positive and proactive position in favor of lesbian, gay, bisexual and transgender human rights when these issues are discussed and debated in international forums. It is only through adoption of the recommendations of this resolution, including development of such a comprehensive strategy, that the U.S. government can begin to fulfill its obligations under international human rights standards to advance the human rights of all people.

STATEMENT BY CHRISTOPHER LABONTE, DEPUTY DIRECTOR FOR LEGISLATION, HUMAN RIGHTS CAMPAIGN

Good Morning. It has often been said that with great power comes great responsibility. As one of the most fortunate and powerful countries on the planet, the United States has a tremendous responsibility to speak out and protect those who may not be able to protect themselves. It's sad to say that there are currently 80 countries within our global village that have enforceable laws against GLBT people, many resulting in inhumane punishment including imprisonment, torture and even execution. In many of those countries—Saudi Arabia, Yemen, Mauritania and Iran—GLBT people face possible execution simply because of who they are, and who they love. Today, the Human Rights Campaign is proud to stand shoulder to shoulder with our friends Representative Tom Lantos and Representative Christopher Shays, who have introduced a resolution condemning all violations of internationally recognized human rights norms based on the real or perceived sexual orientation or gender identity of an individual. The resolution also recognizes that the protection of sexual orientation and gender identity is not a special category of human rights, but is fully embedded in the overall human rights norms set forth

in international law. Finally, the resolution calls on the Department of State to improve its own documentation of human rights abuses on the basis of sexual orientation and gender identity, to give these violations the same consideration as other human rights abuses and to develop a comprehensive strategy to combat such abuses abroad. This nation was founded on the principle that all people were created equal and had the same right to life, liberty and the pursuit of happiness. When we speak out as a nation against the torture, violence and cruelty that plague so many of the world's GLBT people, we are fulfilling the truest vision of our nation. At the Human Rights Campaign, we look forward to a day when resolutions like this will not be necessary—when the world's GLBT people will be free to live their lives openly and honestly, as any other citizen of the world does. In the meantime, we hope that Congress will act to adopt this important resolution to take a stand against the violent mistreatment that GLBT people face within our global community. Thank you very much.

RECOGNIZING THE GRUNDY COUNTY COURTHOUSE FOR THEIR 100TH ANNIVERSARY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize the 100th Anniversary of the Grundy County Courthouse in Trenton, Missouri.

In 1901, county officials secured \$60,000 to build a new courthouse and jail. Plans were laid out and the building was erected at the same location as the original courthouse, built in 1840. In December 1903, the Cornerstone Ceremony marked the completion of the Courthouse. The building has stood for 100 years as the Grundy County temple of justice. There have been nine judges that have served the Grundy County Circuit Court since the courthouse opened in 1903.

On December 19, 2003, county officials will open a time capsule, placed in the cornerstone in 1903. These artifacts will tell of the county forefathers and leaders of the community. A new time capsule will be placed in the courthouse yard to commemorate the 100th Anniversary and to mark this momentous occasion.

Mr. Speaker, I proudly ask you to join me in recognizing the Grundy County Courthouse in Trenton, Missouri, for their 100th Anniversary and for their many contributions to the 6th District and the State of Missouri.

H.R. 6—CONFERENCE REPORT

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Mr. MOORE. Mr. Speaker, while I voted for the conference report on the omnibus energy bill, H.R. 6, the final version of this bill is far from perfect. We need a comprehensive energy policy that increases our national security by decreasing our dependence on foreign oil and improving public health and the condition

of our environment by promoting clean, renewable energy sources and energy efficiency technologies.

I voted for the conference report for H.R. 6 because it: excluded drilling for oil and gas in Alaska's Arctic National Wildlife Refuge; mandated more than doubling the use of renewable fuels in gasoline, primarily ethanol, to 5 billion gallons a year by 2012; allowed the Federal Energy Regulatory Commission, FERC, to establish a nationwide electricity reliability standard for power companies to help balance supply and demand in the power grid; and included H.R. 1331, legislation I have introduced the past three Congresses to reduce our country's dependence on foreign oil and reduce natural gas bills by extending a tax credit for production of unconventional fuels. This is of special interest to Kansas. Eastern Kansas has one of the nation's bigger reserves of coal bed methane, possibly two-thirds the size of the Hugoton gas field in southwest Kansas, the nation's largest.

The ethanol provisions in the conference report are estimated to create an estimated \$51 billion in new farm income by 2012, adding as much as 30 cents per bushel to the value of corn. This increase in the value of corn, soybeans and other feedstock will reduce the need for farm payments by an estimated \$5.9 billion by 2012. The ethanol provision functions as a rural economic stimulus package by creating the need for \$5.3 billion in new investment for renewable fuel production facilities in rural America, including Garnett, Kansas. The Renewable Fuel Standard is estimated to create 214,000 new U.S. jobs, mostly in rural America.

Though I wish it did even more, the conference report does encourage the increased use of renewable energy sources such as wind and biomass through tax incentives. The conference report encourages a diversified portfolio for America's energy resource needs including traditional oil and gas, nuclear, and renewable energy like ethanol, biodiesel, wind, hydropower, and biomass. Over the long-term, renewable energy especially will be a huge asset to American agriculture and rural development.

Our founding fathers made compromise one of the most important tools to the legislative process. Compromise is sometimes frustrating. And though I voted for the conference report for H.R. 6, there are several provisions I do not support. One of the most disconcerting is a provision that lets the companies that created and produced the gasoline additive MTBE off the hook for contaminating groundwater. Now, state and local taxpayers will pay cleanup costs for many contaminated sites. The bill nullifies lawsuits by cities, states and others filed on or after September 5, 2003, seeking compensation for contamination of groundwater by MTBE. In the same vein under this bill, taxpayers, rather than polluters, will pay up to \$2 billion to clean up leaking underground storage tanks containing gasoline and other toxic chemicals even at sites where viable responsible parties are identifiable.

This bill also authorizes a \$1.1 billion nuclear reactor in Idaho, with a potential exemption from normal federal project management rules, to demonstrate hydrogen production technologies that are not projected to be cost justified. It also repeals the Public Utility Holding Company Act, the primary statute that protects consumers from market manipulation

and economic concentration in the electricity sector.

Our nation needs to have comprehensive energy legislation enacted into law. Doing so is essential to economic recovery, job creation and environmental protection, as we rebuild our economy while continuing to improve air quality. We have paid for the lack of a balanced energy policy with blackouts and job losses that occurred when natural gas prices doubled. The conference report for H.R. 6 is a good start in easing that pressure by ensuring that fuel diversity remains at the core of U.S. energy policy. As a country, we still need to have a meaningful dialogue to find ways to combat global warming, increase vehicle fuel efficiency and reduce U.S. oil consumption. Although I voted for this legislation, I will continue to fight to ensure environmental protections are not an afterthought in addressing our energy needs.

PROFILE IN LEADERSHIP

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Mr. KINGSTON. Mr. Speaker, it is an honor to stand here today and pay tribute to one of Georgia's truly outstanding citizens. I would like to recognize William Megathlin's contribution to society by presenting this article to the rest of Congress.

[From "Compass", Summer 2003]

PROFILE IN LEADERSHIP—WILLIAM L. MEGATHLIN

Bill Megathlin briefly stretches his lanky frame behind his office desk, pulling his trademark suspenders taut for a moment, then leans forward, making his visitor feel at home. The assistant to the president for strategic initiatives is uncomfortable talking about his leadership skills but not averse to giving a bit of background information.

A native of Miami, Megathlin earned his bachelor's degree in psychology from Presbyterian College in Clinton, South Carolina. He went on for a master's degree and a doctorate in counseling at the University of Georgia.

His doctoral dissertation focused on training correctional officers at the Atlanta Federal Penitentiary in basic communication skills to better influence inmate behavior. The study, funded by a grant from the Federal Bureau of Prisons, demonstrated such a positive effect on officers and inmates alike that the training method was adopted by other federal and state institutions.

Megathlin launched his academic career at Mississippi State University as an assistant professor of counselor education. During his tenure at MSU, he also worked as a consultant with state and federal criminal justice agencies.

Though he enjoyed preparing college students to become effective counselors, his heart was in corrections and law enforcement. So when he was offered a position in the highly regarded Department of Criminal Justice at Sam Houston State University, he and his wife Carol were off to Huntsville, Texas.

In 1971, Megathlin's brother John, suffered a serious head injury in an automobile accident outside Metter. So severe were his injuries that he was rushed to Memorial Hospital in Savannah. Bill and Carol drove through the night to Savannah after hearing of the

accident. They spent a few days visiting John in the hospital. John eventually made a complete recovery and the Megathlins spent some time exploring Savannah. They were intrigued.

While in the city, Megathlin visited Armstrong State College. He discovered that a new criminal justice program was in the process of being established under the leadership of Jim Witt. A few letters, phone calls, and an interview later, Megathlin was hired as one of two new professors in the fledgling program. Several years later, when Witt took a sabbatical, Megathlin was tapped to serve as interim chairman of the department.

"In those days," Megathlin recalls, "there were large numbers of students pursuing criminal justice degrees, and local and state agencies were hungering for involvement with the university and for the opportunity to work with students and faculty. They were anxious to reach out to academics to help them address some of their challenges. That was very attractive.

"It was a great time for me professionally. Career-wise, I got more involved with administrative responsibilities."

When former president Robert A. Burnett arrived, he combined the departments of criminal justice and political science into the Department of Government under Megathlin.

"Bob Burnett was good for the university and for me," Megathlin said. "He was one of those people involved in the business of administration who makes it a team effort. Over the years, I've been fortunate to work with people who make me look good."

When former vice-president Frank A. Butler created a division of academic and enrollment services, he named Megathlin as dean to spearhead the reorganization.

Contacted at his Atlanta office, Butler, now vice chancellor of the University System of Georgia's Office of Academics, Faculty, and Student Affairs said, "We were able to create a good climate for student enrollment thanks to Bill. He was a major part of the idea creating cadre."

Butler gives Megathlin much of the credit for increasing the college's enrollment past the 3,000 mark in the late '80's. "He doesn't make things take forever," Butler said. "He cuts to the chase and gets results."

Over time, new functions were added to the academic and enrollment division that didn't always form a neat fit, but Megathlin found ways to make them work. In the process, he was in position to influence many aspects of the growing university.

With the arrival of President Thomas Z. Jones, Megathlin again found himself in the middle of reorganization. To help move his vision for the university forward, Jones asked Megathlin to become his assistant for strategic initiatives.

In his new role, Megathlin can often be found in Atlanta, making AASU's case to legislators and regents for buildings such as University Hall, the Science Center, the future academic building, and the planned renovation of the Lane Library.

Forrest Lott, principle in Lott + Barber Architects, has worked with Megathlin on the construction of University Hall and the Science Center, as well as on the refurbishing of Solms and Hawes halls. "One of the things about Bill," Lott said, "is that he recognizes the skills and abilities of each of the team members and relies on them to do their part. He doesn't try to be the architect . . . That gets everyone pulling in the right direction." Lott was impressed by Megathlin's professionalism. "Whenever there was an issue related to any of the projects we worked with him on, he made it go away instantly," the architect said.

Megathlin also serves as the link to Georgia's leadership structure. "It is important that the state's leaders know what Armstrong Atlantic is all about," he explained. "To his credit, the president has made that a high priority for the university."

State Senator Eric Johnson has known Megathlin for fifteen years and has worked with him in the legislature on educational issues affecting AASU and the First District. Mention the educator and words like "gentleman" and "integrity" immediately slip into the legislator's conversation. Johnson summed up his observations by saying, "When Bills asks for something, you know it's important and you know it's been prioritized. He always knows what is reasonable and possible."

Megathlin doesn't talk much about his personal leadership style, but he did volunteer this: "You have to make things happen and not just wait for them to happen. That's probably the key to leadership."

TRIBUTE TO ROGER MADSEN

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Mr. OTTER. Mr. Speaker, I rise today to bring to the attention of the House an individual who is truly a servant of the people, a man who I am honored to call my friend and a person I had the benefit of working with while he served in the Idaho State Senate and as a gubernatorial appointee. Almost nine years ago, Roger Madsen was named director of the Idaho Department of Labor. In that capacity, we worked closely on Idaho's Workforce Development Cabinet and later created Idaho's Workforce Development Council. With Roger's dedication and vision, Idaho has been recognized as a leader in workforce development at the national level. This year, the National Association of State Workforce Agencies presented Director Madsen with its 2003 President's Award. The award may be given to an organization or individual to recognize extraordinary service to America's workforce development system. Roger's commitment to the workforce system in Idaho is commendable, and we are truly fortunate to have someone of his caliber dedicate his life to public service. His integrity, innovation and devotion to his work and the people of Idaho set a high standard for excellence. He has become an invaluable asset for our state, and an example of selflessness that all of us would do well to emulate. I want to take this opportunity to personally thank Roger for all he has done for Idaho and its citizens.

CELEBRATING THE 65TH ANNIVERSARY OF CALVO'S INSURANCE, AND ITS IMPORTANT CONTRIBUTION TO THE DEVELOPMENT OF GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Ms. BORDALLO. Mr. Speaker, I rise today to congratulate the Calvo family of Guam as they celebrate the 65th anniversary of Calvo's Insurance. The name Calvo has long been

synonymous with integrity, austerity, leadership, service to community, and entrepreneurial spirit. As a locally-owned small business, Calvo Enterprises has grown by never losing touch with its consumer base in Guam and constantly updating its business model to accommodate the ever-changing nature of commerce and society in Guam.

In 1938, Calvo's Insurance founder Eduardo "Jake" Calvo began selling fire and typhoon policies out of his home in Hagatna. A banker by trade, Jake Calvo built upon his rapport with the local community in securing the trust of insurance policy holders throughout Guam. By forging personal relationships with clients and exemplifying the importance of delivering meaningful products to the people of Guam, Calvo's Insurance has grown to become one of the most important and recognized companies in Guam.

The legacy of Jake Calvo has endured nearly four decades since his passing. In succeeding him, Jake Calvo's three sons, Paul M. Calvo, Edward M. Calvo and Thomas J. M. Calvo, carefully maintained the business standards of their father. Today, Calvo's Insurance is Guam's oldest and largest insurance agency.

I would be remiss not to mention that Paul M. Calvo also served as Governor of Guam from 1979–1983 and helped develop a successful formula for economic growth in Guam. He subsequently incorporated this experience in helping to develop an astute and forward-thinking business model for the family business. Now known as Calvo Enterprises, the Calvo family has diversified its positions in Guam's business sector, operating successful small businesses in local media, distributorships, restaurants, real estate, and retail.

I also want to take this time to congratulate the current General Manager of Calvo's Insurance, Paul Calvo, on this momentous anniversary. Exemplifying the spirit of his late grandfather, Paul began as an underwriter for the family business and worked his way up through administrative and management positions before being placed in charge of the day-to-day activities of Calvo's Insurance. His leadership in the wake of Supertyphoons Chata'an and Pongsona in 2002 was crucial to the prompt dispatch of insurance adjusters and subsequent processing of insurance claims throughout Guam.

To Calvo Enterprises and the entire Calvo family, congratulations! Thank you for your many years of leadership in the local business community, and I wish you continued success.

EVEN MORE GROUPS RALLY TO SUPPORT H. CON. RES. 330

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Mr. LANTOS. Mr. Speaker, H. Con. Res. 330, the International Human Rights Equality Act, addresses one of the most underreported areas of human rights violations, the persecution of an individual solely on the basis of sexual orientation or gender identity.

At our recent press conference, Martin Ornelas-Quintero, Executive Director, of the National Latina/o Lesbian, Gay, Bisexual and

Transgender Organization, eloquently highlighted the global prevalence of these violations. I ask that his statement be included at this point in the CONGRESSIONAL RECORD.

STATEMENT BY MARTIN ORNELAS-QUINTERO, EXECUTIVE DIRECTOR, THE NATIONAL LATINA/O LESBIAN, GAY, BISEXUAL & TRANSGENDER ORGANIZATION (LLEGÓ)

Good morning. I want to thank Congressman Lantos and resolution co-sponsor Congressman Shays for their work, and also all the human rights organizations here today that stand together in support of this important resolution. My name is Martin Ornelas-Quintero, executive director of LLEGÓ, the National Latina/o Lesbian, Gay, Bisexual and Transgender organization. I would like to read an excerpt from a letter sent by LLEGÓ to the honorable Richard Maduro, president of Honduras in September of this year

In the city of San Pedro Sula, the lesbian, gay, bisexual, transgender and transsexual community is confronting persecution, harassment, mistreatment and humiliation because of this attempt to defend the human rights of other LGBT community members. Specifically, we wanted to bring attention to the case of La China.

La China, born as Ellyn Suarez—along with the LGBT community members, demands that the police of San Pedro Sula begin to conduct more exhaustive investigations into the deaths of members of the LGBT community so that these murders do not go unpunished, as they have in the past.

Ms. Suarez was a witness to the murder of David Yanez and has served as a witness for the state during the prosecution case. Under international scrutiny, Ellyn has maintained her composure and courage to confront representatives of the police force who, instead of protecting the citizens of San Pedro Sula, have violated their promise to protect the law and have become criminals themselves. We are aware that the Honduran government has measures at their disposal to protect witnesses in criminal cases. We in the international community want to make sure these measures are available for all inhabitants of Honduras with regard to their sexual orientation or gender identity.

We make a call to the community to support and bring attention to this case and the need for the Honduran government to protect all of its citizens. We are aware that in the case of La China Suarez, the police offered its protection for a limited time and have withdrawn it. Given the threatening conditions the LGBT community of San Pedro Sula lives in every day, we want to emphasize the necessity for this protection to continue until all the individuals related to the case are found and judged. Our greatest concern at the moment is the life of Ms. Suarez, and we would appreciate support and assistance in facilitating her protection" (Letter to Honorable Licenciado Ricardo Maduro, Presidente de la República, y la Honorable Aguas Ocaña Navarro, Primera Dama de Honduras, dated September 15, 2003).

Ms. Suarez, a Honduran transgender woman, witnessed the murder of another transgender woman by two police officers. After testifying against the men, Ms. Suarez was reluctantly given witness protection. Unfortunately, Ms. Suarez, who was unemployed at the time, had to find money not only for her own food and shelter needs, but had to feed and provide lodging for her "protectors." The two police officer, although accused and charged, "miraculously" slipped out of police custody. Also, "miraculously," witness protection services for Ms. Suarez were curtailed. Finding her life in danger, she fled—with the help of Amnesty Inter-

national and LLEGÓ—to Guatemala. There, the paramilitary tried to kill her. Again, with assistance from Amnesty and LLEGÓ, she fled to the Netherlands, where she today waits to be granted asylum. This is just one example of the dangers LGBT people face everyday all over the world. We cannot sit idly while our brothers and sisters are being harassed, tortured and murdered often for simply being who they are. This is why we applaud and wholeheartedly endorse the resolution introduced today by Congressman Tom Lantos and Congressman Christopher Shays."

RECOGNIZING CARL HOWARD FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Carl Howard, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 247, and in earning the most prestigious award of Eagle Scout.

Carl has been very active with his troop, participating in many scout activities. Over the ten years Carl has been involved with scouting, he has earned 40 merit badges, as well as the World Conservation Award, the Arrow of Light, and God and Country. He has held numerous leadership positions, serving as assistant patrol leader and den chief. Carl is also a Tom-Tom Beater in the Tribe of Mic-O-Say.

For his Eagle Scout project, Carl obtained the needed supplies and coordinated a group of scouts in painting the baseball dugouts at Waterwell Park in Kansas City, Missouri. The project was completed to repair damage from a flood.

Mr. Speaker, I proudly ask you to join me in commending Carl Howard for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

FILING OF FY 2004 OMNIBUS APPROPRIATIONS ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Mr. WOLF. Mr. Speaker, I wish the record to reflect my deep disappointment with the Justice Department and Attorney General John Ashcroft for supporting language in the FY 2004 omnibus appropriations bill reducing the amount of time background record checks for gun sales are maintained. As the son of a police officer, I believe this change could be detrimental to public safety and ultimately result in people dying.

When the FY 2004 Commerce-Justice-State (CJS) appropriations bill was debated in full committee this summer, several amendments dealing with firearms and firearms purchases were offered "en bloc" and adopted. One of the amendments in the package called for the immediate destruction of gun sale background check records. I did not support this package

of amendments since neither the Justice Department nor Attorney General Ashcroft, the nation's chief law enforcement officer, would—or could—tell me if these provisions would impact the ability of law enforcement to stop criminals, or worse, terrorists. As chairman of the CJS subcommittee, I repeatedly asked for a formal position from the Justice Department about how the proposed amendments would affect law enforcement efforts but never got an answer.

As House and Senate negotiators met to discuss the final version of the FY 2004 CJS bill—now folded into the omnibus spending bill—the provision calling for the "immediate" destruction of the background records was dropped. Now, at the eleventh hour of wrapping up the FY 2004 appropriations process, the Justice Department is actively supporting a "compromise" that would reduce the time background records are held from the current law standard of up to 90 days to 24 hours. This extreme change comes despite the fact that there is still no explanation or detail about what impact such a change would have on protecting mothers and fathers, daughters and sons, from criminals and terrorists.

It is irresponsible to tack such a provision into a year-end spending bill without knowing and understanding the full impacts. According to the FBI, in 2002 more than 3,500 guns were sold and then later had to be retrieved because information came in after the sale was allowed to proceed which would have prohibited the sale. I repeat: 3,500 guns on the street which shouldn't have been there. It is chilling to think what would happen if a 24-hour system were in place.

Moreover, any proposal for such a drastic change should be fully aired before the Congress and interested parties. It should be noted that the International Association of Chiefs of Police continues to stand by its September 2001 letter to the FBI stating that the 90-day records retention period should not be shortened.

Under current law, licensed dealers generally are not to transfer firearms to an individual until the search determines that the transfer will not violate applicable federal or state law. Persons prohibited by federal law from receiving a firearm include convicted felons, fugitives, unlawful drug users, and aliens illegally or unlawfully in the United States. If the background check is not completed within three business days, the dealer is not prohibited from transferring the firearm. Current law regarding retention of gun purchase checks says that information on sales that have been allowed to proceed can be kept for up to 90 days in the FBI's National Instant Criminal Background Check System (NICS) audit log, after which the records must be destroyed.

The audit log contains information related to each background check requested by a licensed firearms dealer, including the NICS response (e.g., proceed or denied) and the history of all activity related to the transaction. According to the NICS regulations, information on allowed firearms sales is used only for purposes related to ensuring the proper operation of the system or conducting audits of the use of the system.

I submit for the RECORD a Washington Post article from November 18 with the headline, "FBI Curbed in Tracking Gun Buyers," which reports on a "new FBI background-check system that notifies counterterrorism agents when

suspects on its terrorist watch list attempt to buy guns, but regulations prohibit those officials from obtaining details if the transaction occurs." The article states that 13 alleged terrorists have been allowed to buy guns.

A follow-up Post article from November 22 reports that the Justice Department has ordered the FBI to increase scrutiny of suspected terrorists who attempt to buy guns, but gives the FBI only three days to run additional checks on prospective gun buyers listed on the Violent Gang and Terrorist Organizations File."

We are fighting a war on terrorism—and as chairman of the CJS subcommittee I have offered unwavering support to the Justice Department and the nation's federal law enforcement 4 activities—yet terrorist manuals recovered by law enforcement contain guidance on how easy it is to buy guns in the United States. Even the Justice Department's website contains the al Qaeda training manual which includes the following: "The confrontation that we are calling for with the apostate regimes does not know Socratic debates . . . , Platonic ideals . . . , nor Aristotelian diplomacy. But it knows the dialogue of bullets, the ideals of assassination, bombing, and destruction, and the diplomacy of the cannon and machine-guns."

It continues with "Second Issue: The importance of establishing a tactical plan for the assassination operation that consists of the operational factors themselves (members, weapons, hiding places . . .) and factors of the operation (time, place). In this example, we shall explain in detail the part related to the security plan. The part related to operational tactics will be explained in the lesson on special operational tactics."

That's how the terrorists train and that scenario is one about which I have long been concerned. In September 1998 I saw the need to address the growing threat of terrorism in the world and authored legislation which created the National Commission on Terrorism chaired by Ambassador Paul Bremer. That was less than a month after two U.S. embassies in East Africa were bombed by terrorists linked to Osama bin Laden. I had raised with our colleagues then the concern that Sudan was harboring bin Laden. Quite frankly I have been frustrated in my attempts to get Congress and administrations past and present to be proactive in combating the terrorist threat.

Now comes this firearms regulation change which I believe could play into terrorists' hands. Obtaining weapons is a critical part of their plan. It is abundantly clear that we need to change some of our laws, but not in ways that make it easier for terrorists to buy weapons in the United States.

We all remember the terror of 9/11. Our nation and the world changed forever on that day when 3,000 died, including 30 from my congressional district. We all remember the terror that gripped the Washington area a year later when snipers killed 14 and wounded six others, including a young child. Shouldn't we be doing everything we can to assist law enforcement officers in rooting out terrorists, rather than tying their hands?

HONORING LTC ROBERT D. COULDRY FOR HIS 36 YEARS OF SERVICE TO THE 139TH AIRLIFT WING

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize LTC Robert D. Couldry of the 139th Airlift Wing stationed at Rosecrans Memorial Airport, St. Joseph, Missouri. Lieutenant Colonel Couldry has exemplified the finest qualities of leadership and service and is being honored for his 36-year commitment to the Missouri Air National Guard and to the citizens of Missouri.

Lieutenant Colonel Couldry enlisted in the Missouri Air National Guard in 1967 and was commissioned in 1979. His dedication to service became evident early on in his career. Lieutenant Colonel Couldry's contributions to the 139th Aerial Port Squadron have spanned over 25 years, where he led the formation of the Aerial Port Standardization and Evaluation Quality Control program.

In his position as the 139th Airlift Wing Inspector General officer, Lieutenant Colonel Couldry developed the first 139th Airlift Wing Inspector General Program and associated Wing Inspector General Operating Instructions. His diverse background and knowledge helped make this program successful and improved operation through staff education.

In addition to his service in the Missouri Air National Guard, Lieutenant Colonel Couldry also served his state as the superintendent of schools for Mid-Buchanan School District.

Mr. Speaker, I proudly ask you to join me in commending the career of LTC Robert D. Couldry, who exemplifies the qualities of dedication and service to Northwest Missouri and the United States of America.

INTRODUCTION OF H.R. 3541, THE IMPLEMENTS OF TORTURE EXPORT CONTROL ACT OF 2004

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Mr. LANTOS. Mr. Speaker, last Thursday I introduced the Implements of Torture Export Control Act of 2004, a bill to make it impossible for those who torture people abroad to misuse U.S. produced equipment for that purpose. This measure is similar to an amendment that was adopted on a bipartisan basis in the Committee on International Relations in the 107th Congress as part of legislation to reform the U.S. export control system.

Mr. Speaker, I introduced H.R. 3541 out of concern that the U.S. and other Western nations are exporting crime control and torture equipment to human rights abuses around the world. This bill would write into law a standard that should be an axiom of U.S. human rights foreign policy: the United States, while it seeks to improve respect for the basic human rights of person throughout the world, ought not to

sell to torturers implements that make it easier for them to inflict pain and suffering on their helpless victims.

Mr. Speaker, in the right hands, crime control equipment can protect the innocent. In the wrong hands, it is used on the innocent. Amnesty International reports that governments that regularly use torture against detained persons frequently use crime control equipment from the U.S. and other Western suppliers as ready-made implements of torture. Existing export regulations require general licenses for the export of many types of crime control equipment, leaving whole categories of criminal equipment free to be exported without any specific review. It is true that most of this equipment, including electroshock discharge weapons, can be purchased domestically by private U.S. citizens for "self-defense" purposes. However, private U.S. citizens—as well as U.S. law enforcement officials—can be reliably prosecuted for any abuse of these implements as torture tools. Exports of these same items, however, to countries that use torture as part of official or condoned practice should be regulated because they may have unreliable or nonexistent systems of judicial accountability for torture abuse.

No U.S. exporter should ever want to sell its products to governments, or government-supported groups, that will use the labor of American workers to torture their citizens. But U.S. exporters do not have the resources to know the totality of the practices of their prospective customers. It is up to the U.S. Government to ensure that American products do not go to abusive governments.

Mr. Speaker, H.R. 3541 would do a number of things:

It would require that the Secretary of Commerce create a list of crime control and detection instruments and equipment especially susceptible to abuse as implements of torture.

It would require that an individual export license of all such items unless the export is to a major ally, and requires that applications are reviewed by human rights experts in the U.S. government.

It would prohibit export of all such items to any country if the government of such country has engaged in acts of torture until the Secretary of State has determined stopped such acts for the previous twelve months. To allow legitimate trade, however, such items could be exported to a particular end-user if the Secretary of State has determined that such end user has not engaged in acts of torture.

Perhaps most importantly, the bill completely prohibits the export of certain equipment that is particularly susceptible to abuse as equipment of torture, such as electroshock stun belts, leg irons and other restraints that have sharp or serrated edges, batons or clubs fitted with spikes and other items that are similarly susceptible to misuse.

Mr. Speaker, in 1979, the Congress recognized that crime control equipment required special review, but current law needs updating and reform. I urge all my colleagues to support this common-sense addition to the Export Administration Act, and ensure that American crime control products are not abused instead to torture the innocent.

TRIBUTE TO GEORGIA LORETTA
JONES ELAM

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Georgia Loretta Jones Elam, a resident of the Sixth Congressional District, and a longtime friend of mine and my family.

Born and raised in Hartsville, South Carolina, Mrs. Elam finished her elementary education in record time and entered my alma mater, South Carolina State College, now University, at the tender age of 14. After her dreams of becoming a Chemist were thwarted because of gender stereotypes of the 1920's, she entered the field of Home Economics. Upon graduating with her Bachelors degree, Mrs. Elam taught at South Carolina State College where most of her students were older than she. She went on to Columbia University in 1949 where she earned her Master's. Throughout her career, Mrs. Elam taught at seven institutions in the State of South Carolina. Most notably, she taught for 31 years at C.A. Johnson High School in Columbia, South Carolina. She also participated in workshops to further her education at University of Georgia, Winthrop College, and the University of South Carolina.

It was during her tenure at C.A. Johnson High School that Mrs. Elam started the first day care center in a public school in South Carolina. It was her innovative idea to give her Child Care and Development students the opportunity to have them care for real children instead of dolls that led her to start the day care center. Also while at C.A. Johnson, Mrs. Elam served as Head of the Home Economics Department, advisor to the New Homemakers of America—the predecessor of Future Homemakers of America—the cheerleads, the pep squad and the modern dance club.

Always a leader, be it in her professional life or that of her community, Mrs. Elam was given the Teacher of the Year award by the South Carolina Home Economics Association in 1975. She was also honored with a Distinguished Service Award by the Association of Vocational Home Economics Teachers in 1978. And, giving further credence to her merits as a leader, Mrs. Elam was named Boss of the Year in 1979 by the Midlands Chapter of the American Business Women's Association.

While this lively 90-year-old worked in the field of Home Economics for over half a Century, her dedication goes far beyond the parameters of her job requirements. Mrs. Elam has been an ardent community leader and continues to be very active in her church, Bethel A.M.E. She has been involved in numerous political campaigns over the years, and never turns down an opportunity to volunteer with church programs that have anything to do with youth or her congregation. Mrs. Elam has served as Director of Christian Education, which meant leading vacation bible school for many years, and also served as leader of the scouting program, and sponsor of the Young People's Gospel choir which she founded. For many years, she presented "Golgatha," a religious pageant which she wrote and directed.

In 1995, Rev. Ronnie Brailsford made her a Steward at Bethel A.M.E. Her actions of devo-

tion to others, particularly the young people in her community, should be an inspiration to us all.

Mrs. Elam is the widow of Leon M. Elam. She has one daughter, Loretta E. Taylor who is married to John B. Taylor of Wilmington, Delaware; three grandchildren, and one great-grandchild. Mrs. Elam also has two siblings, Elise Martin and Gottlieb Harvest, both of Columbia, South Carolina, where Mrs. Elam herself now resides.

Mr. Speaker, I ask that you and my colleagues join me in honoring Georgia Loretta Jones Elam for her selfless dedication to citizens, particularly young people, across the State of South Carolina. She is a pillar of the community, and I wish her good luck and Godspeed.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Tuesday, November 22, 2003, I was unavoidably detained and unable to cast my vote.

I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted as follows:

(1) Rollcall No. 670: "no" (on Table Motion to Reconsider H.R. 1).

VETERANS BENEFITS ACT OF 2003

SPEECH OF

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 2003

Mr. EVANS. Mr. Speaker, I rise in strong support of H.R. 2297, as amended. This bill is a compromise agreement that was carefully negotiated between the House and Senate, and contains a number of important measures to assist this Nation's veterans and their families. I want to take a moment to recognize and thank Chairman CHRIS SMITH, Benefits Subcommittee Chairman HENRY BROWN and Benefits Ranking Democratic Member MICHAEL MICHAUD for working with me to successfully craft this bipartisan, bicameral benefits package. I appreciate your leadership, professionalism and all of your hard work in guiding this legislation through the process and into law.

I also would like to thank the staff members of the House Committee on Veterans Affairs for their work in preparing this legislative package and for their work throughout the year—Patrick Ryan, Darryl Kehrner, Paige McManus, Devon Seibert and Kingston Smith of the majority staff and Jim Holley, Mary Ellen McCarthy, Geoffrey Colver and Leah Booth of my Democratic staff. Likewise, I would like to thank Chairman ARLEN SPECTER and Ranking Member BOB GRAHAM of the Senate Veterans Affairs Committee, as well as the Senate staff who worked diligently on this conference agreement—Mary Schoelen, Ted Pusey, Jon Towers and Chris McNamee.

Mr. Speaker, last week on November 11th we celebrated and honored the sacrifices and

heroic deeds of our Nation's veterans with speeches and parades. Indeed, it is appropriate, necessary even, that we recognize and honor the many sacrifices of the brave men and women in uniform who have so gallantly served our nation. Mr. Speaker, speeches and parades are nice but they are not enough. Today, however, we match our complimentary words with actual deeds. We celebrate and honor those who have served the country and protected our freedoms by passing this legislative package, which truly honors their service and provides them and their families with important benefits that they most certainly have earned.

Mr. Speaker, I am very proud that this legislative package contains a number of measures that I introduced or of which I am an original cosponsor. Additionally, I commend all the Members of the House Veterans Affairs Committee on both sides of the aisle who have worked diligently this session to bring important measures forward. This compromise agreement contains many bills introduced by Committee members. Indeed, crafting and passing this benefits package has truly been a bipartisan effort.

I am pleased the provision to provide the Department of Veterans Affairs (VA) benefits to children with spina bifida whose veteran parent was exposed to Agent Orange in Korea is drawn from my bill H.R. 533. During a hearing the Committee received moving testimony from Michael Ruzalski, a young man severely disabled by spina bifida. Michael's father John served in the region of Korea's Demilitarized Zone (DMZ) during the time that the Department of Defense acknowledges Agent Orange was used there. Congress has authorized benefits for children of veterans affected by such exposure in Vietnam. The children of veterans who served in the Korean DMZ are no less deserving. When military service results in harm to the children of our Nation's veterans, our country should assume the responsibility to compensate them for their disabilities.

A provision to remove unnecessary and arbitrary time barriers for certain former prisoners of war to qualify for service-connection of their disabilities on a presumptive basis is drawn from H.R. 1838, which I introduced. I believe that we should consider additional presumptive conditions for former prisoners of war and will continue to support legislation to accomplish that end. Nonetheless, we need to take action now to assure those prisoners of war who were interred in Iraq for less than 30 days, as well as those from earlier conflicts, that no durational requirement will be imposed for certain psychiatric and physical disabilities which may follow a brief period of internment.

The package includes a provision to permanently authorize the VA home loan program for members of the National Guard and Reserve. It also lowers their home loan fees. This provision is drawn from H.R. 1257, which I introduced with the Ranking Member of the Subcommittee on Benefits, Mr. Michaud. Now more than ever, our Reserve and National Guard forces are an integral component of our national defense policy. Making this program permanent for members of the National Guard and Reserve is the right thing to do, it's also the right thing to do financially—as Reservists have an exemplary record of repayment on VA home loans.

I am also pleased that this package contains provisions that provide long overdue

benefits for our Gold Star Wives. Specifically, it provides that remarriage of the surviving spouse of a veteran after attaining age 57 would not result in termination of dependency and indemnity compensation (DIC), home loan, or education benefits eligibility.

This legislative package would also repeal current law restricting a surviving spouse or dependent children to receiving no more than two years of accrued benefits if the veteran dies while a claim for VA periodic monetary benefits is being processed. I have worked to end this unfair restriction for a number of years. This provision is drawn from a bill I introduced a few years ago. I am pleased to finally have succeeded in repealing this two-year cut off.

The provisions reinstating VA's vendee loan program that previously passed the House are included in H.R. 2297. I would note that the language has been changed slightly. The change is intended to assure that VA will be required to operate a vendee loan program through September 30, 2013. I believe that these changes are necessary after reviewing an opinion of the Comptroller General concerning VA's authority to terminate the program.

H.R. 2297, as amended also contains a number of important measures that aim to expand self-employment training opportunities and provide valuable career and employment counseling to servicemembers transitioning from the military to civilian life. The bill also provides a substantial increase in monthly payments under the survivors' and dependents' educational assistance program. This action is consistent with my goals to improve and restore all veterans' education benefits to the necessary levels. As we all know, we have much to do in the area of veterans' education programs to keep up with the ever-increasing costs of higher education.

Another important measure that I am pleased the negotiated bill contains is the provision to authorize certain contracting opportunities for service-disabled veteran owned and controlled small businesses. A fair opportunity is all that veterans request. This provision should lead to improved results with respect to federal contracting with disabled veterans. However, improved results will also require increased efforts by the Administration to reach out to disabled-veteran owned and controlled small businesses. Indeed, federal agencies have a 3 percent contracting goal for service-disabled veteran small businesses, and currently not one federal agency comes close to meeting this goal. Hopefully, this provision will allow all federal agencies to improve their record in this area, as well as provide more opportunities for veteran entrepreneurs and a much-needed spark to the small business sector of this economy.

I am also pleased that in this package we have included provisions to permit state cemeteries to receive VA burial plot allowances for burial of all eligible veterans, including peace time veterans; allow a remarried surviving spouse to retain eligibility for burial in a national cemetery based on a prior marriage to a deceased veteran; and make permanent the State Cemetery Grants Program. We must do all we can to provide a dignified final resting place for our veterans and be attentive and caring to the surviving family members.

Mr. Speaker, this bill also authorizes the receipt of full compensation, dependency and in-

demnity compensation (DIC) and burial benefits to eligible members of the New Philippine Scouts, and other individuals who served in the organized military forces of the Commonwealth of the Philippines, including organized guerilla units, if the individual to whom the benefit is payable resides in the United States and is either a citizen of the U.S. or an alien lawfully admitted for permanent residence. The bill also extends the authority of the Secretary of Veterans Affairs to maintain a regional office in Manila, Philippines, through December 31, 2009. I want to thank Representatives BOB FILNER and JUANITA MILLENDER-MCDONALD for their tireless work on this important issue.

On another important matter contained in this legislative package, I would like to express my thanks and applaud the actions of my friend and colleague Representative TED STRICKLAND of Ohio. Representative STRICKLAND, along with Senator BILL NELSON of Florida, introduced legislation to clarify the prohibition on assignment of veterans' benefits. This provision would protect veterans, their survivors' and dependents from unscrupulous business entities that attempt to prey on unsuspecting or elderly beneficiaries. Mr. STRICKLAND's language would make clear that certain arrangements, including opening joint bank accounts that remove control and choice from the veteran over the receipt of veterans' benefits, are illegal.

I am also pleased that the bill removes a provision that the VA has indicated could limit benefits to veterans. This language was contained in section 5103 of title 38, United States Code and was intended to provide claimants with one year to submit information or evidence requested by the Secretary of Veterans Affairs. Unfortunately, the language used in that section "no benefits may be paid" could be interpreted to bar consideration of evidence that a claimant submitted in connection with an appeal. That language has now been removed, so that no claimant should lose benefits as a result of its application. The bill also permits the VA to decide claims in less than one year. If the claim is denied and evidence supporting the claim is submitted within the year, the Secretary is required to consider the evidence.

Mr. Speaker, H.R. 2297, as amended, contains many provisions that will make a difference in the lives of this nation's veterans and their families. It is a good bill, and I urge all Members to show their support for the men and women who have worn the uniform in defense of our country by voting to pass this legislative package.

CONFERENCE REPORT ON H.R. 2622, FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003

SPEECH OF

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 2003

Mr. OXLEY. Mr. Speaker, I am inserting for the RECORD an exchange of correspondence between myself and the gentleman from Wisconsin (Mr. SENSENBRENNER), the Chairman of the Committee on the Judiciary, regarding his committee's jurisdictional interest in the Sen-

ate amendment to H.R. 2622, the Fair and Accurate Credit Transactions Act of 2003.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 19, 2003.

Hon. MIKE OXLEY,
Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR CHAIRMAN OXLEY: In recognition of the desire to expedite conference consideration of H.R. 2622, the "Fair and Accurate Credit Transactions Act of 2003," I will not request that Members of the Committee on the Judiciary be appointed as additional conferees. However, certain of the provisions contained in the Senate-passed version of H.R. 2622 do fall within the Rule X jurisdiction of the Committee on the Judiciary, and the Committee on the Judiciary takes this action with the understanding that the Committee's jurisdiction over these provisions is in no way diminished or altered.

Section 115 of the Senate version of H.R. 2622 makes some minor amendments to 18 U.S.C. 1028, the existing identity theft provision in the criminal code. These amendments add possession of false identification documents to the criminal prohibition and increase the penalty from the 3 to 5 years.

Section 151 of the Senate version of H.R. 2622 adds new provisions to §609 of the Fair Credit Reporting Act that provide for a new right to consumer victims of identity theft to obtain records from businesses of fraudulent transactions conducted in their name. The right is only enforceable by the public agencies under existing law. However, new §609(e)(9) provides for a new affirmative defense for the businesses so that they can show they have searched for the records and do not have any.

Section 156 of the Senate version of H.R. 2622 amends the current statute of limitations under the Fair Credit Reporting Act. Under current law, the statute allows the claim to be brought until the later of two years from the date on which the liability arises or two years from the date of discovery if there has been willful misrepresentation. The bill would change this to the earlier of two years from the date of discovery, irrespective of misrepresentation, or five years from the date on which the liability arises.

I understand that our staffs have worked out a mutually acceptable resolution of these provisions that will be included in the conference report. I appreciate your willingness to work together on these provisions. I would appreciate your including this letter in the Congressional Record during consideration of the conference report on H.R. 2622 on the House floor. I appreciate your attention to these matters.

Sincerely,
F. JAMES SENSENBRENNER, JR.,
Chairman.

COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, November 20, 2003.

Hon. F. JAMES SENSENBRENNER, JR.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: Thank you for your recent letter regarding your committee's jurisdictional interest in certain provisions of the Senate amendment to H.R. 2622, the Fair and Accurate Credit Transactions Act of 2003. I appreciate your willingness to forgo the appointment of additional conferees on those provisions in an effort to expedite the conference on this important legislation. I agree that your decision not to seek additional conferees on those sections in no way diminishes or alters the jurisdiction of the Committee on the Judiciary with respect to those provisions.

You are correct that our staffs have worked closely to ensure that those issues were resolved to our mutual satisfaction and I greatly appreciate your cooperation in this effort. I will include a copy of your letter and this response in the Congressional Record during House consideration of the conference report.

Again, thank you for your cooperation.

Yours truly,

MICHAEL G. OXLEY,
Chairman.

TRIBUTE TO MR. JOHN MUTKA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I congratulate one of the most dedicated and hardworking citizens of the First Congressional District of Indiana, Mr. John Mutka. John has spent the past 40 years of his life working as a sports writer and columnist for the Post Tribune newspaper in Northwest Indiana. He will retire on Monday, November 24, 2003. His career in journalism has allowed him the opportunity to reach out to numerous people, and therefore has made a positive impact within his community.

John is an institution in Northwest Indiana, a household name to the thousands of residents who have read his work for the past 40 years. He is also known statewide and nationally for his excellence in sports journalism. This year, John was named Sportswriter of the Year by the National Sportswriters and Sportscasters Association. Also this year, he was honored by being inducted into the Indiana Sportswriters and Sportscasters Hall of Fame, and subsequently earned a Lifetime Achievement Award at the Lake County Sportsman-ship banquet.

John has given his time and efforts generously throughout his career. Along with his many accomplishments, John has also been recognized by the Indiana High School Athletic Association, the Indiana Football Coaches Association, and the Indiana Basketball Coaches Association for his dedication and hard work.

Mr. Speaker, John exemplifies the values of all great Hoosiers through his dedication, his work ethic, his loyalty and humility. His continued commitment and devotion to all of Northwest Indiana is worthy of the highest commendation. I respectfully ask that you and my other distinguished colleagues join me in congratulating him on his well-deserved retirement, and continued success in all his future endeavors.

EXPRESSING CONDOLENCES TO THE HSBC FAMILY

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Mr. FOSSELLA. Mr. Speaker, I rise today to express my deepest condolences and sympathy to the victims of the tragic terrorist attacks in Istanbul, Turkey yesterday. Following the attacks last weekend on two synagogues in Istanbul, yesterday's attacks are further evi-

dence of the war on terrorism our country and our allies are facing. I am pleased the House passed H. Res. 453 today expressing condolences to the families of the individuals murdered and to those injured in the terrorist attacks. We must continue to stand in solidarity with Turkey in the fight against terrorism.

In addition, on behalf of my New York Delegation and all my colleagues, I would like to express my profound regret to the more than 40 employees at HSBC who were injured. As of today, many of those employees are still in critical condition, while it has cost others their own lives.

Often referred to as the "World's Local Bank", HSBC employs people in over 80 countries, including 50,000 in the United States, with over 400 offices in my home state of New York and in Staten Island. While the headquarters was attacked as a symbol of global commerce, I take my hat off to the HSBC employees in Turkey for re-opening their office today and for their leadership in committing to stay in Turkey and not backing down in the face of terrorism. Again, I extend my deepest sympathies to the entire HSBC family on the tragic loss of their colleagues.

PEARL COLEMAN KIDD

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I appreciate this opportunity to tell my colleagues about a proud American and a beloved Dallas resident: Pearl Coleman Kidd. Mrs. Kidd was well known to generations of Dallas Metroplex residents who grew up coming to know and respect her for her remarkable contributions to our community.

Pearl Coleman Kidd was born in 1922 in Pulaski, Tennessee. After marrying Foster Kidd, the couple moved to Dallas in 1953. Two of our nation's core values, family and community, were also central commitments for Pearl Coleman Kidd. She loved Foster Kidd, her husband of 50 years. They rejoiced in their daughters Cheryl Kidd and Dr. Jocelyn Kidd of Dallas. Mrs. Kidd was also an active community volunteer. She was a devoted member of the New Hope Baptist Church.

It was through her endeavors in our community that Mrs. Kidd was able to volunteer in many Dallas Metroplex organizations. She received numerous awards for her contributions.

Mr. Speaker, Mrs. Kidd was an American treasure. Throughout her long life she gave tirelessly of herself for the advancement of her race and of all persons in need. Mrs. Kidd passed on October 16, 2003. Though our community is diminished by her loss, I ask that my colleagues join me, her family, and friends, in celebrating the remarkable life of this woman who truly symbolized our community and America at its best.

IN MEMORY OF NARAYAN D. KESHAVAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the memory of Narayan Keshavan who passed away suddenly and unexpectedly last week.

Keshavan worked for me from January of 1998 until June of 2001. During much of that time I was the Co-chair of the Congressional Caucus on India and Indian-Americans and Keshavan helped me stay abreast of the issues facing India and Indian-Americans and stay in contact with the vibrant community here.

Keshavan had a love for two countries. His adopted home, the United States and his ancestral home, India. So few people modestly and selflessly served to help U.S.-India relations through such dramatic periods of growth and change. Keshavan was an early and vocal advocate for a different kind of relationship between the oldest and largest democracies in the world. He saw the possibility—in fact the necessity—of India and the United States working closely together well before it was evident to leaders in either country. In a clear example of bringing the two cultures closer together, Kesh was one of the Indian-Americans who made the October 23, 2003 First Deepavali Event at the White House happen.

Born May 31, 1950 in Hyderabad, India, Keshavan was a graduate of Andhra University (Visakhapatnam, India) where he received a BA in Pharmacy and Osmania University (Hyderabad, India) with a BA and MA in journalism. Over his impressive career as a journalist, Kesh was respected for his vision and commitment to politics and Indo-U.S. Relations.

In addition to working for the Congressional Caucus on India and Indian-Americans, he was the Founder and Executive Director of the Indian-American Republican Council, and President of the Indian-American Forum for Political Education (NYC and LI chapter). He also was a founder of the Indo-U.S. Parliamentary Forum. He served as a mentor to countless individuals of all ages and faiths, deeply touching the lives of many here and in India, even those he knew only a short time. People loved Kesh for his honesty, intelligence, and humor.

Kesh, passed away on Thursday, November 13 after he appeared on CNN in a interview with Lou Dobbs where he defended India in the growing political issue of outsourcing. Keshavan is survived by his father and sister.

I ask all my colleagues to join me in paying tribute to a journalist, public servant, and tireless community activist, Narayan Keshavan.

THE IMPACT OF LEFT-WING SPECIAL INTEREST GROUPS ON THE JUDICIAL NOMINATION PROCESS

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 25, 2003

Mr. SOUDER. Mr. Speaker, over the last three days I have commented on Democratic

Congressional staff memos that show how left-wing special interest groups are trying to hijack the appointment of federal judges. Today, I am introducing four more such memos. Besides confirming the fact that these groups are demanding, and apparently receiving, the power to delay or even block President Bush's nominees, they expose the double standard these groups apply to women and minority nominees who don't share their extreme political views. One memo shows that these groups identified Miguel Estrada, a nominee who received the American Bar Association's highest rating, as "especially dangerous" because, among other things, "he is Latino." Another memo reports that liberal lobbyists and their supporters in Congress proposed "a strategy for dealing with conservative Latino Circuit Court nominees." That memo also reveals that these lobbyists were using their contacts in the "Latino media" to undermine Mr. Estrada and others like him. Nominees Caroline Kuhl and Priscilla Owen were also singled out for opposition.

It is both ironic and tragic that these groups, which so loudly proclaim their support for the "civil rights" of women and minorities, would deny a judicial appointment to any minority or woman candidate who exercises his or her civil right to hold different opinions. It is time for these groups to stop blocking nominees who don't conform to their ideological stereotypes.

MEMORANDUM

To: [Member of Congress]

Date: November 6, 2001

Re: Meeting with Civil Rights Leaders, Tuesday, November 6, at 5 p.m. [Congressional Office Building]

Following up on a meeting in mid-October, you are scheduled to meet with leaders of several civil rights organizations to discuss their serious concerns with the judicial nomination process. The leaders will likely include: Ralph Neas (People For the American Way), Kate Michelman (NARAL), Nan Aron (Alliance for Justice), Wade Henderson (Leadership Conference on Civil Rights), Leslie Proll (NAACP Legal Defense & Education Fund), Nancy Zirkin (American Association of University Women), Marcia Greenberger (National Women's Law Center), and Judy Lichtman (National Partnership). The meeting will take place in [Congressional Office Building] with [2 Members of Congress] also present.

Today's meeting is likely to touch on a number of related issues. The primary focus will be on identifying the most controversial and/or vulnerable judicial nominees. The groups would like to postpone action on these nominees until next year, when (presumably) the public will be more tolerant of partisan dissent. They would also like to develop a strategy for moving these nominees. Among their priorities: (1) they want to ensure that they receive adequate notice before controversial nominees are scheduled for hearings; (2) they think [Member of Congress] should use controversial nominees as bargaining chips, just as the Republicans did; and (3) they are opposed to holding hearings during recess. Although [Member of Congress] has resisted these moves so far, they are reasonable requests in our estimation.

There will likely be a discussion about how to respond effectively to recent Republican

charges that the pace of judicial nominations is too slow. The Republicans have continued to hold-up the appropriations bills. As of Friday, it was their intention to launch a new campaign this week, charging the Democrats with hindering the war effort by not confirming judges who are needed to approve wire taps and search warrants. This claim is deeply flawed, because the Committee has been especially quick to move along district court judges and the White House has not nominated people to fill more than half of the current vacancies.

Under separate cover, I will provide a table that evaluates the current Court of Appeals nominees who are pending, as well as a few noteworthy district court nominees. N.B.: These are my designations, and they are preliminary. The groups may feel somewhat differently.

MEMORANDUM

To: [Member of Congress]

Date: November 7, 2001

Re: Meeting with Civil Rights Leaders Yesterday to Discuss Judges

Due to the floor activity last night, you missed a meeting with [Member of Congress] and representatives of various civil rights groups. This was intended to follow-up a meeting in [Member of Congress's] office in mid-October, when the groups expressed serious concern with the quick hearing for Charles Pickering and the pace of judicial nominations generally.

Yesterday's meeting accomplished two objectives. First, the groups advocated for some procedural ground rules. These include: (1) only one hearing per month (2) no more than three judges per hearing; (3) giving Committee Democrats and the public more advance notice of scheduled nominees; (4) no recess hearings; and (5) a commitment that nominees voted down in Committee will not get a floor vote. Earlier yesterday, [Member of Congress's] staff committed to the third item in principle.

Second, yesterday's meeting focused on identifying the most controversial and/or vulnerable judicial nominees, and a strategy for targeting them. The groups singled out three—Jeffrey Sutton (6th Circuit); Priscilla Owen (5th Circuit); and Caroline Kuhl (9th Circuit)—as a potential nominee for a contentious hearing early next year, with a eye to voting him or her down in Committee. They also identified Miguel Estrada (D.C. Circuit) as especially dangerous, because he has a minimal paper trail, he is Latino and the White House seems to be grooming him for a Supreme Court appointment. They want to hold Estrada off as long as possible.

Attached is a table that I compiled, evaluating the 19 Court of Appeals nominees and a few of the controversial district court nominees.

Based on input from the groups, I would place the appellate nominees in the categories below.

Asterisks indicate that a [Member of Congress] has placed a hold on the nominee.

GOOD

Clifton (9th Cir.)*
Melloy (8th Cir.)
O'Brien (10th Cir.)
Howard (1st Cir.)
B. Smith (3rd Cir.)

BAD

Shedd (4th Cir.)
Roberts (D.C. Cir.)

L. Smith (8th Cir.)
Pickennig (5th Cir.)
Tymkovich (10th Cir.)
Gibbons (6th Cir.)
Steel (11th Cir.)

UGLY

Boyle (4th Cir.)*
Owen (5th Cir.)
Sutton (6th Cir.)*
Cook (6th Cir.)*
McConnell (10th Cir.)
Estrada (D.C. Cir.)
Kuhl (9th Cir.)*

MEMORANDUM

To: [Member of Congress]

Subject: Judges and the Latino Community

Date: February 28, 2002

Ralph Neas called to let us know that he had lunch with Andy Stern of SEU. Andy wants to be helpful as we move forward on judges, and he has great contacts with Latino media outlets—Univision and others. Ralph told Andy that you are anxious to develop a strategy for the Supreme Court and a strategy for dealing with conservative Latino Circuit Court nominees that are hostile to constitutional and civil rights. Ralph and Andy discussed the possibility of a relatively small meeting to discuss media strategy, and Andy believes there are several Latino media leaders who share our concerns and would like to meet with you. Ralph proposes that you meet with key Latino media leaders, Raul, Antonia, Wade, and Ralph, and I think this is a very good idea.

Would you like to have such a meeting to discuss media strategy and the Latino community? If so, Ralph and Andy will take the lead in getting everyone to DC.

Decision:

Yes, I want to meet with them _____
No, I don't want to meet _____

MEMORANDUM

To: [Member of Congress]

Date: June 3, 2002

Re: Meeting with Civil Rights Leaders to Discuss Judicial Nominations Strategy

[Member of Congress] has invited invited you and [Member of Congress] to attend a meeting with civil rights leaders to discuss their priorities as the Judiciary Committee considers judicial nominees in the coming months. For example, they believe that the Committee's current pace for nominations hearings (every two weeks) is too quick; and they need more time to consider the record of Judge Dennis Shedd, a controversial 4th Circuit nominee whom [Member of Congress] is backing.

This meeting is intended to follow-up your meetings in [Member of Congress's] office last fall. The guest list will be the same: Kate Michelman (NARAL), Nan Aron (Alliance for Justice), Wade Henderson (Leadership Conference on Civil Rights), Ralph Neas (People For the American Way), Nancy Zirkin (American Association of University Women), Marcia Greenberger (National Women's Law Center), and Judy Lichtman (National Partnership). The meeting has been tentatively scheduled for late Wednesday morning.

Assuming your schedule permits, do you want to accept [Member of Congress's] invitation and attend the meeting?